

<b>Description</b>	County Planning Board February 10, 2009		
<b>Date</b>	02/10/2009	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:01:30 PM</a>	President Kerry White	<b>Call to Order. Members present:</b> Kerry White, Marianne Jackson Amsden, C.B. Dormire, Donald Seifert, Gail Richardson, Susan Kozub, Byron Anderson and Pat Davis. <b>Members absent:</b> Matt Flikkema, Deb Robinson, and Mike McKenna. <b>Staff present:</b> Planning Director Greg Sullivan, Planners Sean O'Callaghan, Randy Johnson, Tom Rogers, Warren Vaughn, Tim Skop, Ada Montague and Recording Secretary Glenda Howze. <b>Also present:</b> County Commissioners Bill Murdock and Joe Skinner.	
<a href="#">6:01:39 PM</a>	President Kerry White	<b>Public Comment.</b> There was no public comment on matters not on the agenda.	
<a href="#">6:02:00 PM</a>	President Kerry White	<b>Approval of January 27, 2009 Minutes.</b>	
<a href="#">6:02:17 PM</a>		The minutes stand approved as presented.	
<a href="#">6:02:29 PM</a>	President Kerry White	<b>Planning Department Update.</b>	
<a href="#">6:02:31 PM</a>	Planning Director Greg Sullivan	Noted that the Commission approved the two minor subdivisions that were heard at the last Planning Board meeting. Also noted that at the next Planning Board meeting on February 24th, Deputy County Attorney Jecyn Bremer will come to discuss legal matters with the Board such as motions, findings, etc. Distributed an expenditure status report for the first half of the fiscal year, through December 31, 2008, and an application for membership in APA as Planning Board members.	
<a href="#">6:03:46 PM</a>	President Kerry White	<b>Consent Agenda.</b> There were no items on the consent agenda.	
<a href="#">6:03:52 PM</a>	President Kerry White	<b>Regular Agenda.</b>	
<a href="#">6:03:57 PM</a>		a. <u>Public Hearing and Decision on a Recommendation to the County Commission Regarding a Resolution Determining the Gallatin County Growth Policy Continues to Be an Effective Policy to Guide Growth and Change in Gallatin County.</u>	
<a href="#">6:04:13 PM</a>	Planning Director Greg	Introduction and initial presentation.	

	Sullivan	
<a href="#">6:06:20 PM</a>	Planner Sean O'Callaghan	Continued presentation.
<a href="#">6:11:53 PM</a>	Commissioner Bill Murdock	Presentation of his position on the Growth Policy, historically and currently. Noted that to vacate the Growth Policy now would be a violation of the public trust after all of the work that has gone into it.
<a href="#">6:16:11 PM</a>	Commissioner Joe Skinner	Offered appreciation to the Board for their efforts and time on behalf of the County. Presentation of his position on the Growth Policy and offered staff assistance if there are areas that need to be updated within the Growth Policy, in the opinion of the Board.
<a href="#">6:18:41 PM</a>	Planning Director Greg Sullivan	Made note of specific areas in the Resolution that need to be resolved in the action taken by the Board. Also noted that it should be a commitment of the Board and staff to look over specific areas of the document that may need revision, and to do so by the first or second quarter of Fiscal Year 2010.
<a href="#">6:20:13 PM</a>		There was no public comment on this item.
<a href="#">6:20:29 PM</a>		Board discussion.
<a href="#">6:20:37 PM</a>	Gail Richardson	After having looked at this and heard the Commissioners and staff, having thought about it, I would like to propose that the Gallatin County Planning Board recommend passage of this resolution to the County Commissioners.
<a href="#">6:21:23 PM</a>	Don Seifert	Second.
<a href="#">6:21:29 PM</a>		Board discussion.
<a href="#">6:21:31 PM</a>	Gail Richardson	I think it has been well gone over. I have been on the Board for almost six years and have seen so much come to fruition in that time. I have seen the amount of time and energy of citizens and neighborhoods, volunteer Planning Board members, Commissioners and staff, everyone has worked diligently on the elements of implementing the Growth Policy. It has been very effective, but there still is a lot left to do. Noted two grammatical errors on page three, and requested approval with these two changes incorporated.
<a href="#">6:23:26 PM</a>	Pat Davis	There was a committee appointed to review this Growth Policy and we haven't had a chance to do that. If it is used all the time and there are a few things that need to be tweaked, I'd like to table the motion until the committee has had an opportunity to review it.
<a href="#">6:23:56 PM</a>	Byron Anderson	Second.

<a href="#">6:24:06 PM</a>	C.B. Dormire	Questioned whether the Board would be ignoring its statutory duties if the review is not done more formally before proceeding. Also noted that he hasn't heard anyone state that [the Planning Board] would be putting anyone in a bind if action on this item were postponed until the committee is able to complete their review.
<a href="#">6:26:57 PM</a>	President Kerry White	76-1-601(3)(e)(iii) provides for a timetable for reviewing the Growth Policy at least once every five years and revising it if necessary. That is in the Growth Policy and that is what we need to follow. Noted that in December the Planning Department staff provided a timeline of when they would be able to assist with what projects. Stated that he believes the Planning Board should follow the procedure for review and noted that he is uncomfortable with adopting a resolution stating that [the Planning Board] has reviewed the document when the committee hasn't come back with that review. Greg mentioned in December that as long as we proceeded on a path of review, have expressed our intention to do so, set up the committee, hold meetings, etc., this is sufficient to keep the Growth Policy from being considered not effective.
<a href="#">6:29:52 PM</a>	Pat Davis	The Committee has been appointed and we've all been tied up with other committees. We are looking at April or May before we are able to complete the review.
<a href="#">6:30:11 PM</a>	Byron Anderson	Stated that he seconded the motion because we went to the stage of recognizing what the Board was required to do and put a committee in place to do so. Noted that with respect to the Commission and the Planning Department and the Planning Board and all the work that has been done, that is not enough to meet the requirements without the committee at least meeting and reviewing what we are supposed to review. Stated that he doesn't want to abdicate the Planning Board's authority by not performing the review to its fullest extent.
<a href="#">6:31:37 PM</a>	Don Seifert	Asked Mr. Sullivan if there is any deadline that is coming up that has to be addressed.
<a href="#">6:31:52 PM</a>	Planning Director Greg Sullivan	Stated that there is not.
<a href="#">6:31:57 PM</a>	Marianne Jackson Amsden	Inquired if there is anything in this document that is intended to limit the review of the document by the Planning Board in any way; would passing this resolution preclude the Board from reviewing the entire document?
<a href="#">6:32:24 PM</a>	Planning	Stated that it does not. The resolution as currently created is a

	Director Greg Sullivan	resolution of the County Commission where they commit to looking at Chapter 2. If your Board is interested in opening up the goals and objectives of the Growth Policy, you can do that, but I would caution you that the Commission believes this might not be the most appropriate route.
<a href="#">6:33:25 PM</a>	President Kerry White	They have been busy with other committees. This committee was appointed the end of November and staff said they were limited on staff [time], working on the GPIP documents, and the Planning Board thought we could get that committee up and running after the first of the year. Inquired as to what would be a reasonable timeframe for the subcommittee to have a preliminary report for review.
<a href="#">6:35:17 PM</a>	Pat Davis	[The subcommittee would be able to provide comment] prior to the first meeting in April.
<a href="#">6:35:41 PM</a>	Susan Kozub	Asked for clarification on the membership of the subcommittee.
<a href="#">6:35:48 PM</a>		Mike McKenna, Byron Anderson and Pat Davis are on the committee.
<a href="#">6:36:12 PM</a>	Marianne Jackson Amsden	Noted a typographical error on page 5 of the resolution and commented that if this resolution isn't intended to limit our scope of duties, there wouldn't be any harm in passing the resolution today. It just states the obvious - the plan is used, working and we are initiating a review process.
<a href="#">6:37:06 PM</a>		Discussion with staff regarding statements made in the resolution regarding the adoption of the Bozeman Area Transportation Plan and the Gallatin Gateway Neighborhood Plan. The resolution is written proscriptively in the future.
<a href="#">6:38:28 PM</a>	Byron Anderson	I have to speak against passage of resolution and in support of tabling it because I think we are abdicating our responsibility and I would beg to differ that passage of this resolution doesn't take away some of our authority of what we are capable of accomplishing with review of the Growth Policy. We are meeting the guidelines set down to us by state statute and this resolution is foregoing that.
<a href="#">6:39:24 PM</a>	Gail Richardson	I'm going to vote for recommending this resolution. Going back to page one and the criteria of the review, Chapter 2 will be revised at a later time, also we have significant accomplishment of goals, strategies and actions that are ongoing at this time. There have been no privately initiated amendments until this time and no significant deviations from the established targets. I feel that this resolution does not preclude us from going into any area that we want to. This is simply a resolution of the County Commission reflecting their wishes and we should do it.

<a href="#">6:41:22 PM</a>	Don Seifert	It is my feeling that we review this quite often and when we find areas that aren't adequate, we amend them. We do this on an ongoing basis. As far as the four bullet points, we have reviewed those on an ongoing basis. This is not to say that maybe section 2 isn't deficient and may need review and revision. It is my opinion that we have reviewed it and made the revisions as necessary. I would vote in favor of the motion to recommend the resolution to the County Commission and in opposition of the motion to table this item.
<a href="#">6:42:32 PM</a>	Susan Kozub	I am comfortable with moving forward recommending this resolution based on the live status of the Growth Policy as well as number 3, recognizing the need to update information in Chapter 2.
<a href="#">6:42:51 PM</a>	C.B. Dormire	It seems that we're putting ourselves in an odd position and developing a false conflict. We haven't heard from anyone on the committee saying that they think there is a problem with [the Growth Policy], but that they are just too busy to get in to it. I don't see what is terribly important about tonight. If the committee that has been asked to review it hasn't had time, then they need that time. I don't like to be put in a position to make a decision when we haven't had time to complete the review. We need to give the committee a chance to do what it needs to do unless we hear from the Commission that there is a reason we need to proceed tonight.
<a href="#">6:49:24 PM</a>	Commissioner Joe Skinner	Our concern is this, ever since Kerry brought this up last summer, the Planning Board was supposed to look at this and review it every five years. You haven't done that. Our concern is whether it is an effective document or not since you haven't done that review. If you need to review it, then do it. I don't want you to procrastinate intentionally or unintentionally and get to the point that we're implementing the things that we're working on with the Growth Policy and someone gets up and says that it isn't effective anymore because the Planning Board hasn't reviewed it. This resolution is saying that it is effective and you are welcome to continue to review it after our adoption. If you need to review it, then do it and get it done, we are already behind the five years. We don't want it to be ineffective.
<a href="#">6:51:10 PM</a>	President Kerry White	We have a commitment from Pat to have something to the Planning Board at the beginning of April. This has pushed it forward and to the top of the list. In the document, it says "will review." I have a problem with after appointing a committee that is going to review the document and bring a recommendation and findings to the Board, to have a document that says that we have reviewed the document when we have not. We have a

		commitment from the committee to have something to us at the beginning of April and we're within the time limit to bring the question back onto the table. I will vote in favor of tabling the motion because I feel that in following state statute, that we will review it and we have not.
<a href="#">6:53:30 PM</a>		Vote [to table the original motion]: 4-4; Susan Kozub, Gail Richardson, Don Seifert and Marianne Jackson Amsden opposed.
<a href="#">6:53:58 PM</a>		Discussion on main motion.
<a href="#">6:54:01 PM</a>	Marianne Jackson Amsden	I would just point out that in passing this, it no way precludes the committee from doing its review; it just states that in the interim while they are doing their review, the policy continues to be effective. I think that it is a good idea.
<a href="#">6:54:17 PM</a>	President Kerry White	I would just mention that this resolution being tabled would bring it to the top of the plate for Planning staff and we would get time and energy out of the Planning Department and from the committee to review it.
<a href="#">6:54:43 PM</a>	Byron Anderson	Asked if this is this the first time this resolution has been brought before the Board. [Yes] This appears to be an approach to move this through and neutralize anything that we might have as good solid advice about the Growth Policy. This was brought up as a budget issue and we need to review it and carry out our responsibility.
<a href="#">6:56:13 PM</a>	C.B. Dormire	Inquired if the vote on the main motion is the same as the vote on the motion to table and it doesn't pass either, would we still have the commitment of the committee to proceed and provide a report in April?
<a href="#">6:56:43 PM</a>	President Kerry White	This isn't going to go away. It needs to be done and if the main motion fails tonight, then we will continue to have the commitment of staff and the committee to proceed with the review of the Growth Policy on the same schedule.
<a href="#">6:57:54 PM</a>	Marianne Jackson Amsden	Noted that the reverse is also true, the time table should still be adhered to even if the motion passes; the review still needs to take place.
<a href="#">6:58:20 PM</a>	Gail Richardson	Stated that she feels the same way. We are always reviewing this and we will continue to do so. There is nothing that precludes us from acting to review as much of [the document] as we want. The primary thing that needs updating is Chapter 2 and that is well defined in the resolution. I continue to feel that this is something that I recommend us doing, it doesn't preclude us from acting, and we need to just get on with it.
<a href="#">6:59:27 PM</a>	Pat Davis	Questioned why the push is on, on this document.

<a href="#">6:59:48 PM</a>	President Kerry White	Commissioner Skinner laid out his comments regarding that - the review of the Growth Policy needs to be completed at least once every five years. When Planning Director Sullivan came before us, as long as we're proceeding with the review process of the policy, that the Growth Policy is still an effective document. I don't believe this is a stall tactic; we have just been very busy working on other things. It is staff, there are a lot of things going on and everyone is busy.
<a href="#">7:01:19 PM</a>	Susan Kozub	Noted that the way the language is written, it is a minimum. There is nothing that says we can't review the document every year if we so choose. Passing this resolution isn't preventing anything, it is just indicating that the Growth Policy is moving forward and is not staying static.
<a href="#">7:01:49 PM</a>	Don Seifert	If things have changed to make it ineffective, we don't have to determine that it isn't effective, but that it is not entirely "broken." Due to the fact that we use [the document at] virtually every meeting and we've adopted any number of changes to it; if we've found an area that isn't effective or is in need of changes, we've updated it. The Growth Policy is not ineffective. It may not be entirely effective, but it is not ineffective.
<a href="#">7:02:55 PM</a>		Vote: 4-4; Byron Anderson, Pat David, C.B. Dormire, and Kerry White opposed.
<a href="#">7:03:21 PM</a>		The subcommittee will proceed on the timetable as set forth by chairman of committee and have documentation on the review to the Board as a whole prior to the first April meeting.
<a href="#">7:04:13 PM</a>	C.B. Dormire	Comments on the GPIP document.
<a href="#">7:09:42 PM</a>	President Kerry White	<u>b. Public Hearing and Decision on the Eblen Conditional Use Permit Request in the Reese Creek Zoning District.</u> (The request is to obtain an additional development right for a cluster subdivision, to facilitate the creation of 1 (one) additional lot, pursuant to Section 4.01 of the Reese Creek Zoning Regulations. The Applicants are requesting to create an 8 (eight) acre parcel utilizing the family transfer exemption from subdivision review.)
<a href="#">7:10:16 PM</a>	Planner Tim Skop	Distributed public comment and entered staff report into the record, including explanation of Reese Creek Zoning Regulations.
<a href="#">7:14:05 PM</a>	Ray Center, Rocky Mountain Engineering	Applicant presentation.
<a href="#">7:15:25 PM</a>		There was no public comment on this item.
<a href="#">7:15:39 PM</a>		Board discussion.



<a href="#">7:15:47 PM</a>	Planner Tim Skop	Jecyn Bremer is coming to the next meeting to discuss motions, findings of fact, etc. On top of page seven is motion that can be used if you'd like to use it - it is a guideline, and other action that the board needs to do as well.
<a href="#">7:16:55 PM</a>	C.B. Dormire	I'd like to make a motion and would include some determinations as a preliminary to the motion. I would move that the board determine that the conditional use permit applied for meets the criteria established in the Reese Creek Zoning Regulation regarding the intent of the AR-80 District Cluster Subdivisions and the Conditional Use Permits; and further that we determine that the public comment submitted to the record, Jim Loessberg's letter, as part of this hearing was adequately addressed by the staff and since there was no public comment we don't need to make any findings on public comment but based on those determinations I would move that the Board recommend to the County Commission that the Commission approve the Eblen conditional use permit with the conditions recommended by the staff. Those conditions are the three conditions contained at the bottom of page seven and the top of page eight in the staff report. I think the staff report has already been placed in the record and if it hasn't, I would place it in the record at this time.
<a href="#">7:18:32 PM</a>	Don Seifert	Second.
<a href="#">7:18:42 PM</a>		Board Discussion.
<a href="#">7:18:45 PM</a>	C.B. Dormire	Noted that this was a very well presented staff report and the idea of including the assistance as noted on page seven and eight is a splendid idea.
<a href="#">7:19:33 PM</a>	Gail Richardson	Noted that this was a well laid out staff report and applicant presentation. Stated that the supplemental information was very useful and also read from the letter from Mr. Loessberg, commending the application. Stated that this is a great thing to have some of the land go to the Eblen's daughter.
<a href="#">7:20:38 PM</a>		Vote: Unanimous.
<a href="#">7:20:59 PM</a>		This application will be in front of the County Commission on February 24th.
<a href="#">7:21:40 PM</a>		c. <u>Discussion and Decision on Viewing an American Planning Association Training DVD: "Creating Citizen Engagement in Small and/or Rural Communities."</u>
<a href="#">7:21:57 PM</a>	Planning Director Greg Sullivan	Explanation and invitation to view the DVD as a Board or individually.
<a href="#">7:24:37 PM</a>		Board discussion.



<a href="#">7:29:37 PM</a>	Byron Anderson	Motion to authorize Gail to make use of the budgeted funds for food when the GPIIP meetings run into the Planning Board Meetings.
<a href="#">7:29:52 PM</a>	Marianne Jackson Amsden	Second.
<a href="#">7:30:01 PM</a>		Vote: Unanimous.
<a href="#">7:30:13 PM</a>		The viewing of this DVD will be placed on the March 10th meeting agenda.
<a href="#">7:30:23 PM</a>		<b>Other.</b>
<a href="#">7:30:34 PM</a>	President Kerry White	Noted that the County and Forest Service are proceeding with putting together a Resource Advisory Committee (RAC), to be comprised of 15 members to review projects through the Secure Rural Schools funding.
<a href="#">7:33:31 PM</a>	Planning Director Greg Sullivan	Announced his resignation as Planning Director, noting that he will now be the Bozeman City Attorney, beginning on April 6th.
<a href="#">7:34:06 PM</a>		Many members went on record thanking Mr. Sullivan for his work for the County in both the County Attorney's Office and the Planning Department; noting the great job that he has done and offering congratulations for this new opportunity.
<a href="#">7:37:08 PM</a>		Meeting adjourned.